

REMARKS

Upon entry of this amendment, which amends Claim 1, Claims 1-10 remain pending in the subject patent application.

In the August 13, 2004 Office Action the patent application specification was objected to for minor informalities. Claims 1 and 3-5 were rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by U.S. Patent No. 6,049,561 to Pezzlo et al. (hereinafter referred to as “Pezzlo et al.”). Claim 2 was objected to for depending on a rejected base claim, but was indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Finally, Claims 6-10 were allowed. Applicant respectfully requests reconsideration of the claims in view of the above amendments and the comments below.

Objections to the Specification

In the Office Action the specification was objected to for a couple of informalities. In response, Applicant has amended the specification so that the informalities are not longer present. Applicant requests, therefore, that the objections to the specification be removed.

Claim Rejections – 35 U.S.C. § 102(e), Claims 1 and 3-5

In the Office Action, Claims 1 and 3-5 were rejected for allegedly being anticipated by Pezzlo et al. For the following reasons Applicant respectfully disagrees.

Pezzlo et al. disclose a spread spectrum radio frequency communication system comprising a plurality of transmitter adapted to operate at different carrier frequencies having a preassigned frequency separation, the carrier frequencies randomly changing in accordance with a common pseudo-random code. Each of the transmitters has a predetermined bandwidth and the carrier frequencies of the transmitters are in accordance with the bandwidth of the transmitters. The Pezzlo et al. system thereby reduces the encroachment effect of larger bandwidth system users on smaller bandwidth system users.

Figure 3 of Pezzlo et al. illustrates the operating bandwidth of the communication system (referred to as the “BOP”, which stands for “Bandwidth Occupancy Plan”). The BOP extends from a low frequency f_{low} to an upper frequency f_{high} . As shown in Figure 3, there are seven active users (*i.e.*, NTMs (Network Modem Terminals) in an upcoming super-epoch time interval SEI_j . These users are designated as A, B1, B2, C1, C2, C3, and D.

While varying bandwidth and transmit power capabilities may be assigned to different users in the Pezzlo et al. system, Pezzlo does not teach or suggest a system ~~in~~^{new} “wherein more center frequencies are available for use for [a] plurality of low bandwidth hops than for use for [a] high bandwidth hop”, as independent Claim 1 recites. Indeed, there is nothing in Pezzlo et al. suggesting that more center frequencies are made available to low bandwidth users than to high bandwidth users.

For at least the foregoing reasons, Applicant respectfully believes that the § 102 rejection of independent Claim 1 cannot be properly maintained, and requests, therefore, that the rejection be withdrawn.

Claims 3-5 all depend from independent Claim 1. Accordingly, they derive patentability from what appears to be an allowable base claim. Applicant requests, therefore, that the § 102 rejections of dependent Claims 3-5 be withdrawn.

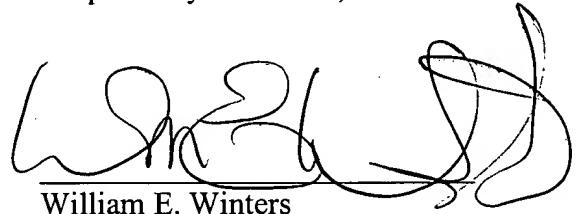
CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner has any further questions or comments concerning the amendments made herein, he is encouraged to telephone the undersigned at 408-282-1857.

Respectfully submitted,

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